

THE CCOC COMPLAINT PROCESS

One of the most common questions we receive is "What happens once I file a complaint?" This article will give you a summary of what you can expect once we receive a written complaint.

1. The staff will review the complaint and set up a file. If the complaint is one that is clearly outside CCOC's authority (for example, neighbor v. neighbor, or the unit is located in the City of Gaithersburg) the staff will make an appropriate referral.

2. Staff then mails a copy of the complaint, together with useful information about the CCOC and relevant laws, to the other party. The other party has 30 days to reply.

3. If the other party does not reply within 30 days the staff will send a notice to the Complaining party, with a copy to the other party, advising the Complaining party of its right to request an order of default without a hearing pursuant to the Commission's *Default Judgment Procedures*.

4. If the other party does answer the complaint, the staff will send a copy of the reply to the complaining party, and will also attempt to arrange a mediation session. Our mediations are conducted through the Conflict Resolution Center of Montgomery County. (It can take 3-5 weeks to schedule a mediation.)

5. If the mediation is successful, the staff will close the case once the agreement has been carried out.

6. If the mediation is not successful, or if the responding party does not answer the complaint, or if either of the parties rejects mediation, the staff refers the complaint to the full Commission at its next available monthly meeting. Staff forwards to the CCOC a summary of the complaint, together with a copy of the most relevant documents.

7. At its monthly meeting the CCOC will consider whether it has legal authority, under County law, over the complaint. The County Attorney is present and will give legal advice when necessary. CCOC does not consider the merits of the complaint and reply, but only whether the complaint is one that is within the CCOC's authority to decide. If the CCOC rejects jurisdiction of a complaint, the case is then closed; however either party still has the right to sue in the courts. If the CCOC accepts jurisdiction, it will select a hearing date (at least 30 days away) and a hearing panel of 3 members.

8. Staff then sends by regular and certified mail a "Summons and Notice of Hearing" to both parties. This notice orders them to attend the hearing, gives the date, time and place of the hearing, the names of the panel members, and information about the parties' rights.

9. One of the parties' rights is the right to conduct "discovery". The parties have 15 days to send each other interrogatories (questions to be answered in writing under oath) and document requests. Interrogatories must be first approved by the panel chairperson. Parties may also request, with the panel chair's permission, subpoenas to be sent to relevant witnesses.

10. On the night of the hearing, there will be a court reporter, the 3 panel members, a staff representative, and the parties. Staff will prepare a copy of the complaint file, which can be quite lengthy. Each party, plus each panel member, is given a copy of this file, which is then introduced into evidence as "Commission Exhibit 1." This exhibit permits quick reference to all important documents at the hearing, but each party is also given the right to introduce into evidence other documents that may be relevant. Hearing procedures are orderly but informal.

11. After the hearing is over, the panel usually has 45 days to issue its Decision and Order. This is then mailed to the parties. Panels usually give the losing party 30 days to obey the order. A party also has 30 days to appeal the order to the Circuit Court.

12. If an order is issued but not obeyed, staff can sue the offending party in the District Court, using the "civil citation" procedures. Trial on the citation can take place within 3 months. If the offending party loses in the District Court trial, the Court can impose a fine of \$500.00 (\$1,000.00 if the party does not appear at trial) and issue its own Order of Abatement. A court order can be enforced by "contempt of court" proceedings, which can result in a jail sentence.

Recent CCOC decisions are available online at the CCOC website. Summaries of older decisions will be posted as they become available. CCOC also has a brochure called "How to Prepare for Your Hearing", available on request, which is sent out with the Notice of Hearing.